

May 17, 2007

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
May 17, 2007

I. OPENING OF MEETING AT 10:30 A.M. AT 425 ½ SOUTH FOURTH STREET,
SPRINGFIELD, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 19, 2007

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD APRIL 19, 2007?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	151.....	9
Agriculture	466.....	17
Arts Council.....	22.....	2
Capitol Development Board.....	32.....	0
Central Management Services.....	1,587.....	111
Children and Family Services.....	3,304.....	41
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	426.....	64
Commerce Commission.....	52.....	0
Corrections.....	12,308.....	101
Criminal Justice Authority	63.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council.....	10.....	1
Emergency Management Agency	105.....	1
Employment Security.....	1,691.....	26
Environmental Protection Agency	1,064.....	18
Financial & Professional Regulation.....	786.....	42
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,380.....	29
Historic Preservation Agency	280.....	11
Human Rights Commission	9.....	2
Human Rights Department.....	140.....	8
Human Services	14,560.....	66
Investment Board.....	4.....	2
Juvenile Justice	1,285.....	18
Labor.....	71.....	8
Labor Relations Board Educational	14.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.....	20.....	1
Medical District Commission	2.....	0
Military Affairs	141.....	3
Natural Resources	1,450.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	26.....	2
Public Health.....	1,095.....	35
Revenue	2,053.....	63
State Fire Marshal	158.....	11
State Police.....	1,475.....	6
State Police Merit Board	5.....	1
State Retirement Systems.....	81.....	1
Transportation.....	2,745.....	1
Veterans' Affairs.....	1,171.....	5
Workers' Compensation Commission	174.....	11
TOTALS	51,596.....	765

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Dept. of Financial and Professional Regulation – Proposed Exemption (continued from April 19, 2007)

Position Number	40070-13-40-940-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Professional Regulation
Functional Title	Director of Real Estate Investigations
Incumbent	None
Supervisor	Director of State-wide Enforcement (who reports to Director, who in turn reports to Secretary)
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Environmental Protection Agency – Proposed Exemption (continued from April 19, 2007)

Position Number	40070-46-00-000-00-04
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Assistant to the Director/Policy Advisor
Incumbent	None
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Children and Family Services – Proposed Exemption

Position Number	37015-16-00-000-70-01
Position Title	Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	Emergency Reception Center (ERC) Program Coordinator
Incumbent	None
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Children and Family Services – Proposed Exemption

Position Number	40070-16-00-800-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Executive Deputy Director
Incumbent	None
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

G. Illinois Dept. of Commerce and Economic Opportunity – Proposed Exemption

Position Number	37015-42-00-030-00-01
Position Title	Public Service Administrator
Bureau/Division	Office of Urban Assistance
Functional Title	Managing Director, Office of Urban Assistance
Incumbent	None
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-25-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Informal Conference Board
Functional Title	Administrator, Informal Conference Board
Incumbent	Louise M. Calvert
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- Item C: Director of Real Estate Investigations**
- Item D: Assistant to the Director/Policy Advisor**
- Item E: Emergency Reception Center (ERC) Program Coordinator**
- Item F: Executive Deputy Director**
- Item G: Managing Director, Office of Urban Assistance**
- Item H: Administrator, Informal Conference Board**

V. CLASS SPECIFICATIONS

- None

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, THE LEASE OF REAL PROPERTY, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	3/31/07	4/30/07	4/30/06
Agriculture	1	1	8
Arts Council	1	0	1
Central Management Services	1	6	3
Children and Family Services	7	7	10
Commerce and Economic Opportunity	1	1	2
Employment Security	2	2	0
Financial and Professional Regulation	1	1	1
Healthcare and Family Services	3	3	10
Historic Preservation	1	4	0
Human Services	2	3	2
Natural Resources	1	4	21
Property Tax Appeal Board	2	2	1
State Retirement Systems	2	2	0
Transportation	57	25	27
Veterans' Affairs	1	2	2
Totals	83	63	88

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• CONSOLIDATED DISCHARGE APPEALS

DA-38-06 and DA-39-06

Employee Names	Dawn DeFraties Michael J. Casey II	Appeal Date	4/19/06
Agencies	Healthcare & Family Services Historic Preservation	Decision Date	5/04/07
Type	Discharge	ALJ	Anthony Dos Santos
Charge(s)	1) Insubordination for refusal to cooperate with OEIG investigation and 2) knowingly allowed and pressured staff to give special applicants an "A" grade or change a previously graded application to an "A" grade; knowingly allowed and ordered staff to award "A" grades to certain individual employment applications that would not have received an "A" grade had they utilized the applicable grading scales and to grade certain applications submitted for closed job titles; knowingly allowed and ordered staff to process certain individual CMS employment applications before other applicants, allowing them to receive special and favorable treatment; knowingly allowed and ordered staff to grade certain individual employment applications and not enter the grade or applicant's information into the PEERS system pursuant to the standard required procedure; knowingly allowed and ordered staff to process certain employment applications received by fax rather than by US Mail or other standard procedures, making fax applicants of their choice more likely to get state jobs; knowingly allowed and ordered staff to input certain individual grades into the PEERS system ahead of the other applications for regular applicants, allowing for special or favorable treatment	Recommended Decision	Charges partially proven and warrant 14-day suspension in lieu of discharge

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTERS?

- **SUSPENSION APPEAL**

S-25-07

Employee	Christina M. Cole	Appeal Date	1/16/07
Agency	DOC	Decision Date	5/04/07
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Failure to report discriminatory/harassing behavior in a timely manner	Recommended Decision	Charges proven but warrant a written warning in lieu of 11-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **ALLOCATION APPEAL**

AA-15-07

Petitioner	Dana Smith	Appeal Date	12/04/06
Agency	CMS	Decision Date	04/25/07
Type	Allocation	ALJ	Andrew Barris
Charge(s)	Position should be allocated to Executive Secretary III instead of Executive Secretary I	Proposed Finding	The Petitioner did not prove that her position classification was improperly allocated.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING IN THE ABOVE MATTER?

X. **APPEALS TERMINATED WITHOUT DECISION ON THE MERITS**

- **WITHDRAWN**

DA-28-07

Employee	Donald E. Allen, Jr.	Appeal Date	2/05/07
Agency	DOC	Decision Date	4/25/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed subject to Commission approval; withdrawn (settlement).

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **DISMISSAL**

DA-32-07

Employee	Byford J. Miller	Appeal Date	3/16/07
Agency	DHS	Decision Date	4/27/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming a State employee	Recommended Decision	Dismissed subject to Commission approval; default (no show at hearing).

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

- **WITHDRAWN**

DA-38-07

Employee	Kimberly Bishop	Appeal Date	4/24/07
Agency	DCFS	Decision Date	5/08/07
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Probationary discharge	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

XI. **STAFF REPORT**

XII. **AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE LEASE AND RELATED DOCUMENTS FOR SPRINGFIELD OFFICE SPACE**

WILL THE COMMISSIONERS AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE LEASE AND RELATED DOCUMENTS FOR THE SPRINGFIELD OFFICE SPACE ON THE COMMISSION'S BEHALF?

XIII. **ANNOUNCEMENT OF NEXT MEETING**

The next regular meeting is to be held on Thursday, June 21, 2007 at 9:00 a.m. in the Commission's Chicago office.

XIV. **MOTION TO ADJOURN**